

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Mary Brewer,

Plaintiff,

Case No.: 07 CV 2928 (BSJ)

v.

**General Motors Investment Management
Corporation, State Street Bank & Trust Co.**

ECF Case

Defendants.

**PLAINTIFFS' OPPOSITION TO STATE STREET BANK AND
TRUST COMPANY'S MOTION TO DISMISS COMPLAINT**

As defendant State Street Bank & Trust Company (“State Street”) has explained in Defendant State Street Bank and Trust Company’s Memorandum of Law in Support of Motion to Dismiss Complaint (“State Street Memorandum”), this case is closely related to *Young v. General Motors Investment Management Corp.*, No. 07-cv-1994 (BSJ) (filed March 8, 2007). At the request of the parties this case was reassigned to this court as a related case. Plaintiffs in both cases are represented by the same counsel, the defendants are the same, and the complaints allege essentially the same facts and claims for relief. The primary difference between the two complaints is the named plaintiffs, the plans, and the putative class of participants and beneficiaries, none of which are material to the pending motions to dismiss.

State Street moves to dismiss this case citing the same arguments forth in its motion to dismiss *Young* and its accompanying memorandum of law. There are no additional arguments presented in State Street’s memorandum in *Brewer*, and State Street refers the court to the arguments in its *Young* memorandum. Similarly, plaintiff adopts the arguments set forth in Plaintiffs’ Memorandum in Opposition to State Street Bank and Trust Company’s Motion to Dismiss filed in *Young* and the Court should deny State Street’s motion here for the same reasons explained by plaintiffs in *Young*.

DATED: Washington, DC
this 25th day of July 2007.

Respectfully submitted:

McTIGUE & PORTER LLP

By: \S\ Gregory Y. Porter
J. Brian McTigue (BM 2422)
Gregory Y. Porter (GP 9605)
5301 Wisconsin Avenue, NW
Suite 350
Washington, DC 20015
Tel: (202) 364-6900
Fax: (202) 364-9960

David S. Preminger (DP 1057)
ROSEN PREMINGER & BLOOM LLP
708 Third Ave, Ste 1600
New York, NY 10017-4123
Tel: (212) 682-1900
Fax: (212) 867-6878

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I, David Bond, hereby certify that on the date set forth below a copy of the foregoing **PLAINTIFFS' OPPOSITION TO STATE STREET BANK AND TRUST COMPANY'S MOTION TO DISMISS** was served via the Court's ECF notification system and, as necessary, by First Class Mail, upon the following:

<p>Wilber H. Boies McDermott, Will & Emery LLP 227 West Monroe Street Chicago, IL 60606-5096 (312) 372-2000 (312) 984-7700 (fax) bboies@mwe.com</p> <p>Andrew Bennett Kratenstein McDermott, Will & Emery, LLP (NY) 340 Madison Avenue New York, NY 10017 (212) 547-5695 (212) 547-5444 (fax) akratenstein@mwe.com</p>	<p>James Won Lee Kirkland & Ellis LLP (NYC) 153 East 53rd Street New York, NY 10022 (212) 446-4800 (212) 446-4900 (fax) jwlee@kirkland.com</p> <p>David Steven Preminger Rosen Preminger & Bloom LLP 708 Third Avenue, Suite 1600 New York, NY 10017 212-422-1001 212-363-4436 (fax) dpreminger@rpblawny.com</p> <p>Nancy G. Ross McDermott, Will & Emery LLP 227 West Monroe Street Chicago, IL 60606-5096 (312) 372-2000 (312) 984-7700 (fax) nross@mwe.com</p>
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Dated: Washington, DC
July 25, 2007

\S\David T. Bond
David T. Bond